

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF OHIO

IN RE:	)	CASE NO. 05-49072
	)	
MICHAEL P. GREGORINO	)	JUDGE KAY WOODS
KARON L. GREGORINO	)	
	)	CHAPTER 7
Debtors	)	
*****	)	Adversary Proceeding No.
ANDREW W. SUHAR, Chapter 7 Trustee	)	
1101 First National Tower	)	
P.O. Box 1497	)	
Youngstown, Ohio 44501-1497	)	
	)	<b><u>COMPLAINT</u></b>
Plaintiff,	)	
	)	<b>Avoidance of Preferential</b>
v.	)	<b>Transfer</b>
	)	
AUTOVEST, LLC,	)	
ASSIGNEE OF FIFTH THIRD BANK	)	
John R. Cummins	)	
c/o Randy T. Slovin	)	
Slovin & Cummins, LPA	)	
9435 Waterstone Boulevard	)	
Suite 270	)	
Cincinnati, Ohio 45249	)	
	)	
Defendant.	)	

NOW COMES Plaintiff, Andrew W. Suhar, Chapter 7 Trustee, and for his Complaint states as follows:

1. This Court has jurisdiction over these proceedings pursuant to the provisions of 28 U.S.C. §1334, 28 U.S.C. §157, and 11 U.S.C. §547. This matter is a core proceeding as defined by 28 U.S.C. §157(b)(2)(F).
2. This case commenced by the filing of a voluntary petition under Chapter 7 of the Bankruptcy Code on October 14, 2005. Plaintiff is the duly appointed, qualified and acting Chapter 7 Trustee in this proceeding.

3. Pursuant to this Court's June 27, 2006, Order, Plaintiff sold certain real estate of the within bankruptcy estate with all liens, encumbrances and other interests transferring to the proceeds of sale.
4. Defendant had filed a judgment lien encumbering said real estate and, hence, said judgment lien was transferred to the proceeds of sale.
5. Defendant's judgment lien was filed July 19, 2005, in the Court of Common Pleas, Columbiana County, Ohio (Exhibit "A").
6. Said judgment lien was filed within the ninety days preceding the filing of the within bankruptcy.
7. Said judgment lien charged against said real estate was for the benefit of Defendant.
8. Said judgment lien charged against said real estate in favor of Defendant was on account of an antecedent debt.
9. Said judgment lien obtained by Defendant occurred while the Debtors were insolvent or as a result of said lien charged against said real estate, the Debtors became insolvent.
10. Said judgment lien obtained by Defendant, would enable the Defendant to receive more than it would have received had said judgment lien not been obtained.
11. Pursuant to 11 U.S.C. §547(b), Plaintiff is entitled to avoid said judgment lien hereinbefore described as preferential.

WHEREFORE, Plaintiff, Andrew W. Suhar, Chapter 7 Trustee, prays the Court enter judgment in his favor and against Defendant, thereby avoiding Defendant's judgment lien

as preferential. Plaintiff further prays the Court grant him such other and further relief as the Court deems equitable and just.

Respectfully submitted,

/s/ Andrew W. Suhar

ANDREW W. SUHAR, ESQ. Reg. No. 0058419

Plaintiff/Attorney for Plaintiff

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## COLUMBIANA COUNTY COMMON PLEAS CT.

AUTOVEST, L.L.C., ASSIGNEE OF FIFTH THIRD BANK  
PLAINTIFF

VS.

CASE NO: 2005CV487

KARON L. GREGORINO  
AND  
MICHAEL P. GREGORINO  
DEFENDANT(S)

**FILED**  
COLUMBIANA COUNTY  
COURT OF COMMON PLEAS  
JUL 19 2005

CIRCUIT

JUDICIAL DAITH TO  
ANTHONY GENTILE  
CLERK

The within matter having come before the Court on motion of the plaintiff, it appearing to the Court that the defendant was duly served with summons and that said defendant failed to file or serve an answer or other responsive pleading to the complaint herein within the time permitted by law, it further appearing to the Court that the plaintiff's claim is still owing to said plaintiff, and the Court being otherwise sufficiently advised;

NOW, THEREFORE, IT IS ORDERED AND ADJUDGED that the plaintiff recover of the defendant(s), KARON L. GREGORINO AND MICHAEL P. GREGORINO, judgment in the principal sum of \$15,845.98, plus interest at the rate of 5.000% per annum from 12-26-00 until paid, plus plaintiff's costs herein expended, for all of which execution may issue as provided by law. THERE IS NO JUST CAUSE FOR DELAY.

DATED: \_\_\_\_\_

*Carlton*  
JUDGE

HAVE SEEN, APPROVE AND AGREE:

*Randy T. Slovin*  
Randy T. Slovin (# 0037536)  
John R. Cummins (# 0036811)  
Slovin & Cummins Co., LPA  
Attorneys for Plaintiff

*Carlton*



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EXHIBIT

"A"

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